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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,304	11/19/2001	Jerry R. Timko	BS01-128	8427

28970 7590 06/17/2003

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EXAMINER

TO, TUAN C

ART UNIT

PAPER NUMBER

3663

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,304

Applicant(s)

TIMKO ET AL.

Examiner

Tuan C To

Art Unit

3663

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Razavi et al. (US 6362730) and in view of Trask (US 5945919).

Claims 1, 7, 12, 17, and 19: Razavi et al disclosed a system and method for collecting vehicle information, comprising some features claimed by the applicants. For

example, in Fig. 2, Razavi et al. showed a block diagram of in-car subsystem network. There are many electronic and communication components including wireless modem, CDPD modem, and wireless Ethernet. As clearly explained in the specification, vehicle data are transmitted to the external device by the in-vehicle network, wherein the wireless modem, CDPD modem and wireless Ethernet keep the important roles in doing this. Razavi et al. further explain that the disclosure is directed to sub-net-work implementations within vehicles, wherein vehicles may include automobiles, boats, airplanes, trailers, buses, trains and the like. Therefore, Razavi et al. not only disclose a system for managing a vehicle but also for a fleet of vehicles. Razavi et al. do not mention clearly about the selection means to determine whether to send the vehicle data using the first transmission network or the second transmission network in accordance with a selection parameter according to a priority. It is found that Trask discloses a system and method for dispatcher free vehicle allocation, said system includes several mobile service providers (vehicles) and each of the vehicles is communicatively linked to DFVA computer system. In column 6, lines 3-32, Trask discloses that the communication links 306a-306d (See Figures 1 and Figure 3 of Trask) can be established either using WAN, or standard cellular telephone connection, or a trunked radio system, or CDPD, or Subscription Mobile Radio (SMR). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Razavi et al. and Trash in order to allow vehicle operator select a type of communication network for transferring vehicle data or emergency data to a managing center located away from the fleet of vehicles.

Claim 2, 3, 9-11, 13, and 14: Razavi et al. disclosed that vehicle data may include location, traffic, diagnostic or other types of information (See abstract). Thus, it would include various vehicle data that claimed by applicant.

Claims 4-6: Razavi et al also disclosed the GPS satellite receiver for receiving the information from the satellite.

Claims 8, 9, 15, and 16: As shown in Figure 1 of the invention, several devices or communication network are associated. However, each of these devices are addressable, so that the confliction between those network is avoided.

Claims 17 and 18: To look carefully the whole system of Razavi et al., one artisan skill in the art would recognize that the in-vehicle computer platform unit represented in Fig. 2 of Razavi et al. is a multi-mode in-vehicle control unit.

Claims 20-22: Razavi et al further explained that IP addressing allows data to be directed to the target device. Therefore, a specific data would be transmitted or received by a specific device.

Response to Amendment

Applicant's arguments filed on 03/11/2003 have been fully considered but they are not deemed to be persuasive because the cited prior art still read on the limitations as claimed by the applicant. Thus, the previous office action mailed on 11/21/2002 remains unchanged. The following is the reason that makes the application unpatentable.

In the previous paragraph, the relation between the cited prior art and the present invention have been discussed to show that the combination of the above-mentioned

prior art reads on all features as claimed by the applicant. The primary reference to Razavi et al discloses the system and method for collecting vehicle information for each vehicle. As illustrated in the main body of the Razavi et al's invention, all features recited in the claimed can be found in Razavi et al's. The secondary reference to Trask is mentioned herein as the prior art that fills the gap of Razavi et al's by teaching a DFVA system including a plurality of mobile service providers and a communication system for selecting a typical transmission network. Therefore, the teachings of both prior art are combined to produce the claimed invention.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (703) 308-6273. The examiner can normally be reached on from 8:00AM to 5:00PM.

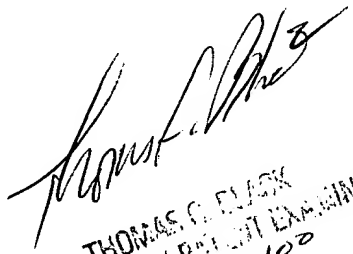
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (703) 305-8233. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and none for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

/tc

June 10, 2003


THOMAS C. BLACK
SUPERVISORY PATENT EXAMINER
GROUP 3402